

**REMARKS/ARGUMENTS**

The present Amendment and Response comprises Applicant's reply to the Examiner's September 22, 2010 Office Action. Claims 50, 51, 52, 73, 78 and 79 are currently canceled. Claims 53, 58, 74 and 80 are amended. Accordingly, Claims 53-58, 74-77 and 80-81 are now pending in view of the above amendments.

Applicant believes that no new matter has been added with regard to the claim amendments provided herein. Applicant does not waive or disclaim any claims or subject matter with the claim amendments made herein, and the Applicant expressly reserves the right to prosecute the original claims or any unclaimed subject matter in one or more future filed continuing applications.

Reconsideration of the application is respectfully requested in view of the above amendments to the claims and the following remarks. Please note that the following remarks are not intended to be an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claimed invention and the cited references. In addition, the Applicant requests that the Examiner carefully review any references discussed below to ensure that Applicant's understanding and discussion of the references, if any, is consistent with the Examiner's understanding. Also, Applicant's arguments related to each cited reference are not an admission that the cited references are, in fact, prior art.

**I. Allowed Subject Matter**

Applicant expresses his appreciation for the Examiner indicating that Claims 53-58, 74-77, 80 and 81 would be allowable if rewritten in independent form including all of the limitations

of the base claim and any intervening claims. In response, Applicant has rewritten Claims 53 and 74 in independent format so as to include all of the limitations of the respective base claims. In particular, the scope of Claims 53 and 74 has not been narrowed in any way so as to overcome any prior art, but has merely been rewritten in independent format. As acknowledged by the Examiner, Claims 53 and 74 are patentably distinct from the prior art, and is now in a condition for allowance. Moreover, for at least the same reason, Claims now depending from Claims 53 and 74 – namely, Claims 54-58, 75-77 and 80-81 are also in a condition for allowance.

In summary, Claims 53-58, 74-77 and 80-81 are now pending in view of the above amendments, and all are patentably distinct from the prior art. Allowance of each of these claims is respectfully requested.

## **II. Amendment To The Title**

The Examiner objected to the title as being non-descriptive because a method is not being claimed. In response, Applicant amends the title to specify “BOTTLE CONTAINING TWO KINDS OF MATERIALS SEPARATELY IN TWO SPACES.”

## **III. Amendments to the Drawings**

The Examiner objected to the drawings on the grounds that the figures contained cross hatching that is not consistent with standard U.S. Patent drawings. Applicant submits Replacement Figures 33A-B, 34A-C and 36-53B to correct these inconsistencies with the U.S. Patent Rules.

The Examiner objected to the drawings on the grounds that the finishing plate provided on an upper part of the inner cap must be shown or the feature canceled from the claims. Applicant asserts that the finishing plate provided on an upper part (432, 532, 632 and 732) is shown in at least Figures 33A, 36, 44 and 48, respectively.

Additionally, Applicant notes that there are typographical errors in the numbering of Figures 18-20. The Replacement Sheets correct the typographical errors.

Applicant submits marked up and clean copies of the drawings for Examiner's consideration and requests that this objection be withdrawn.

#### **IV. Amendments to Specification**

The Examiner objected to the language and format of the Abstract. Applicant has amended to Abstract as required and requests that the Examiner remove this objection.

The Examiner required correction of wording in the application to read: "a finishing place provided on an upper part". Applicant has made the appropriate corrections to the Specification and requests that the Examiner withdraw this objection.

#### **V. PRIOR ART REJECTIONS**

##### **A. Rejection Under 35 U.S.C. § 102(e)**

The Examiner rejected Claims 73, 78 and 79, under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,546,919 to Lee ("Lee"). Applicant has canceled Claims 73, 78 and 79, accordingly the rejection against these claims is moot.

##### **B. Rejection Under 35 U.S.C. § 103**

The Examiner rejected Claims 50 and 51 under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 4,132,308 to Goncalves ("Goncalves") in view of U.S. Patent No. 4,947,986 to Ballu ("Ballu"). Applicant has canceled Claims 50 and 51, accordingly the rejection against these claims is moot.

#### **CONCLUSION**

In view of the foregoing, Applicant believes the claims as amended are in allowable form. In the event that the Examiner finds remaining impediment to a prompt allowance of this

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application that may be clarified through a telephone interview, or which may be overcome by an Examiner's Amendment, the Examiner is requested to contact the undersigned attorney.

Applicant also submits a 3-month Request for Extension of Time, bringing the responsive deadline to March 22, 2011, and the requisite small entity fee. Please credit any over payment or debit any under payment to Deposit Account No. 08-2665.

Respectfully submitted,

HOLME ROBERTS & OWEN LLP

/Paul S. Cha/

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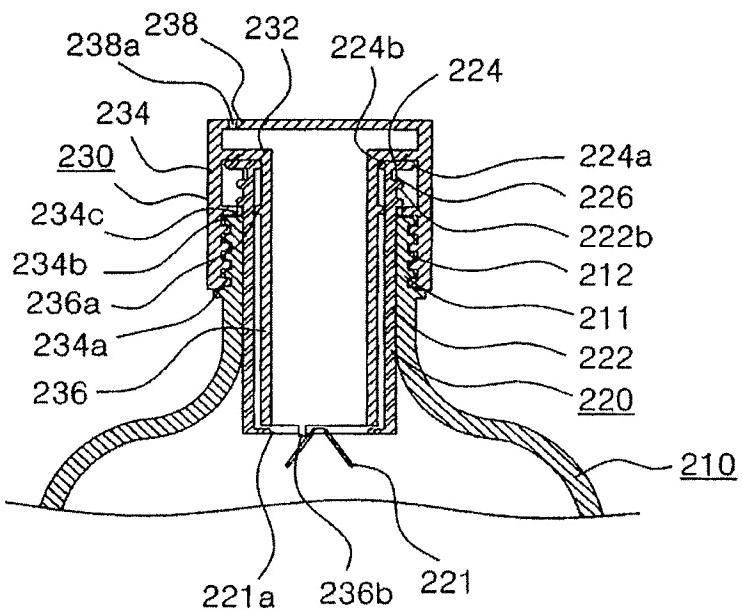
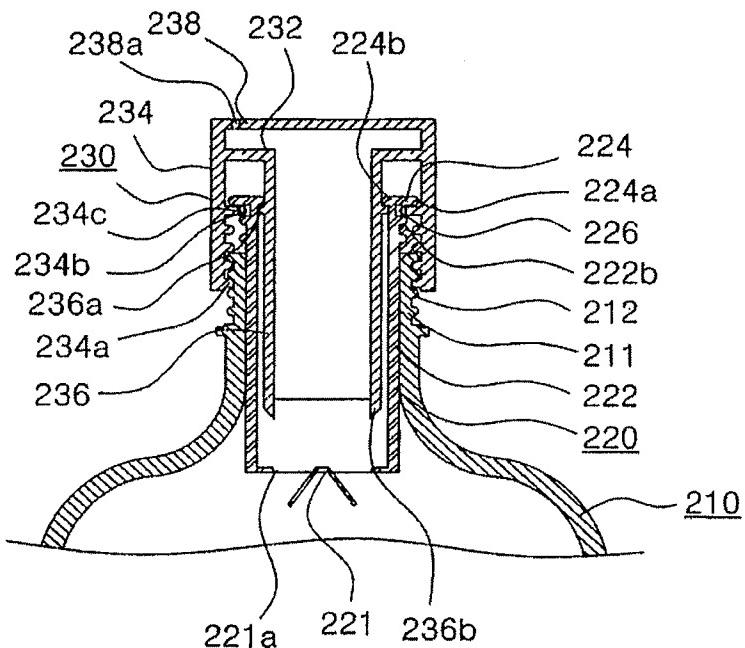
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Dated: 22 March 2011

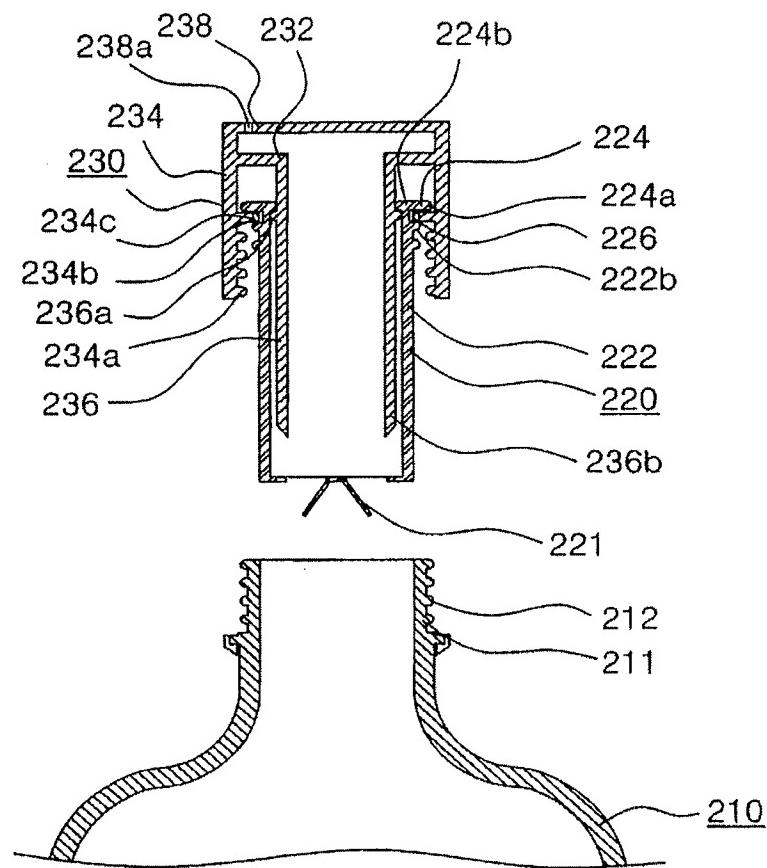
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## **MARKED UP DRAWINGS**

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FIG. 18A- 19AFIG. 18B 19B

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FIG. 18C 19c

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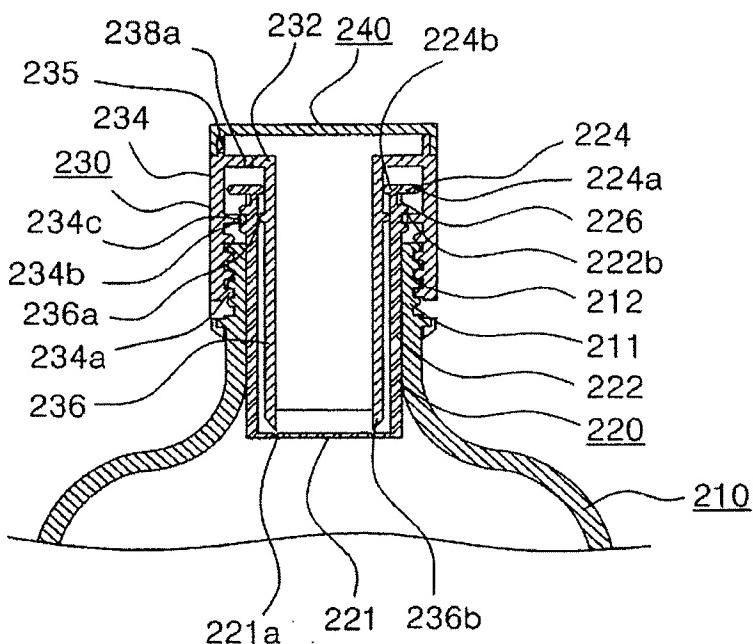
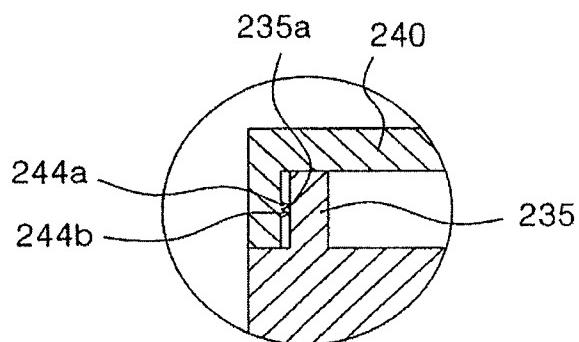
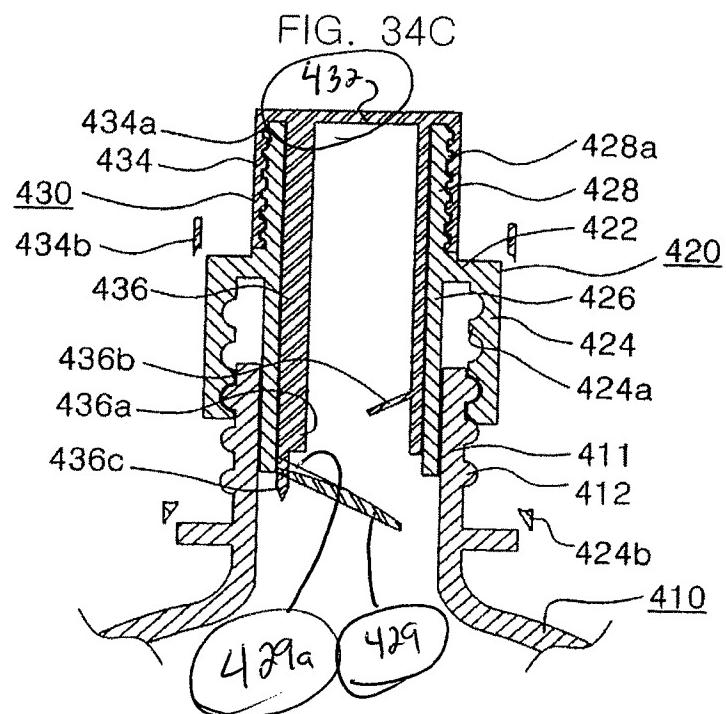
FIG. 19-<sup>18</sup>

FIG. 20



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FIG. 38

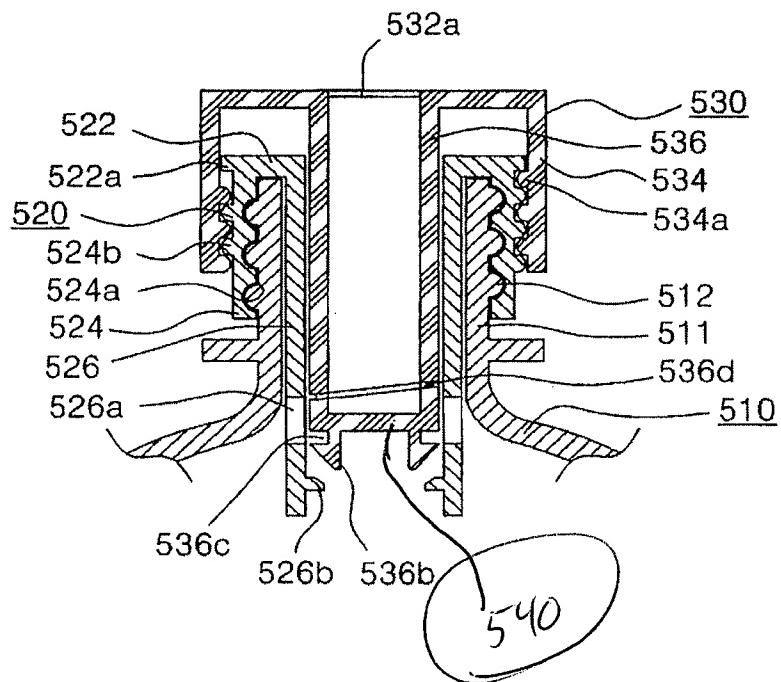
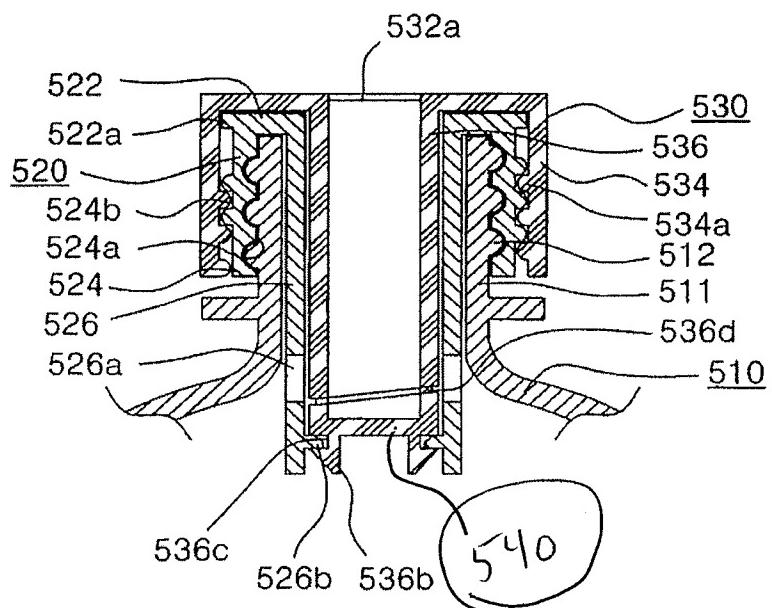
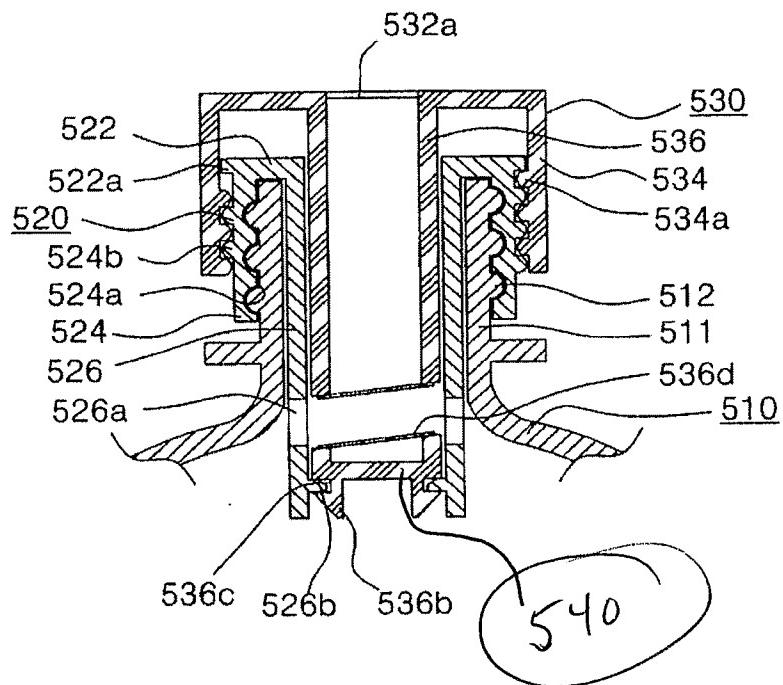


FIG. 39A



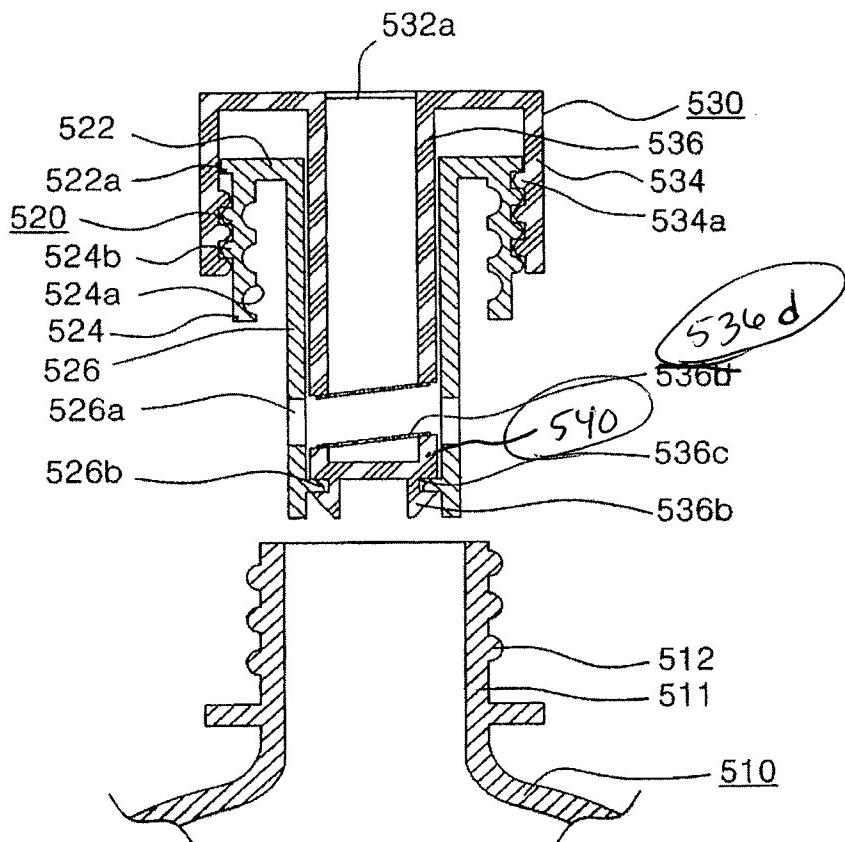
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FIG. 39B



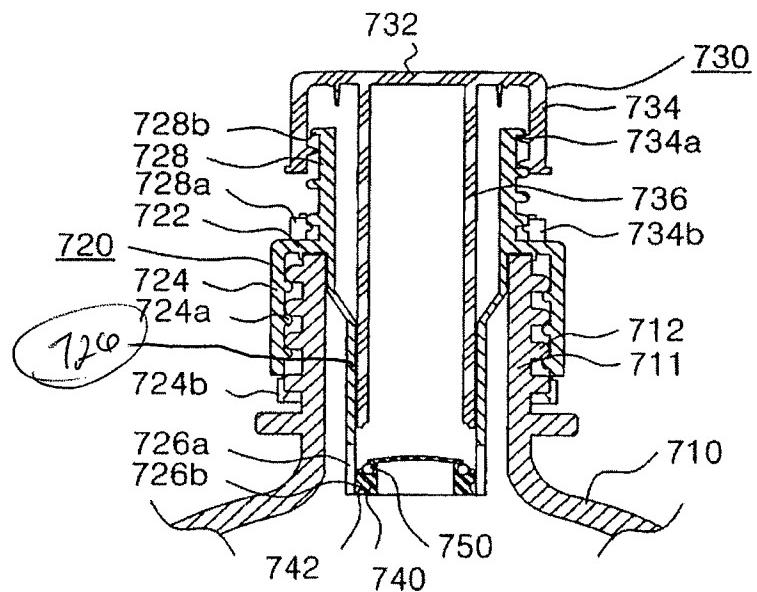
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FIG. 39c



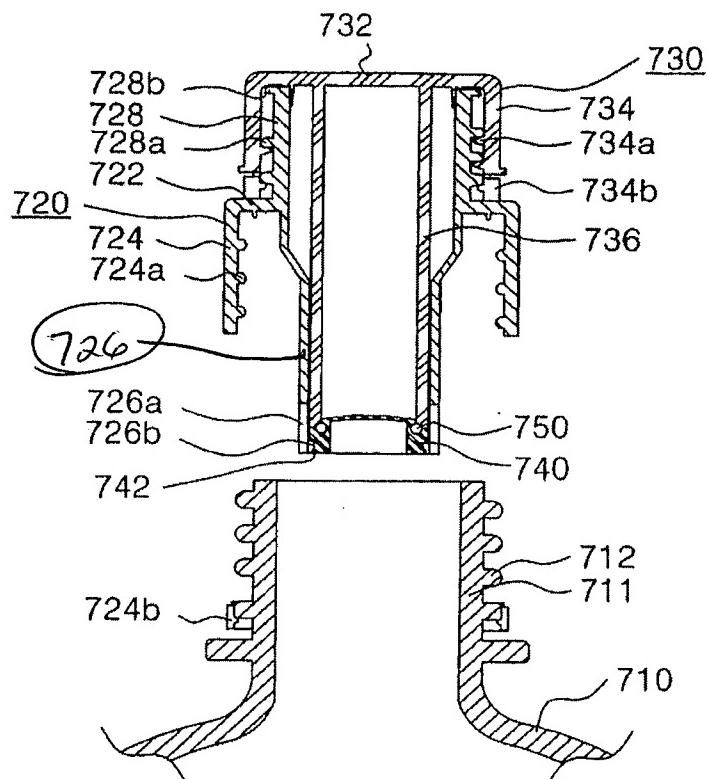
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FIG. 50A



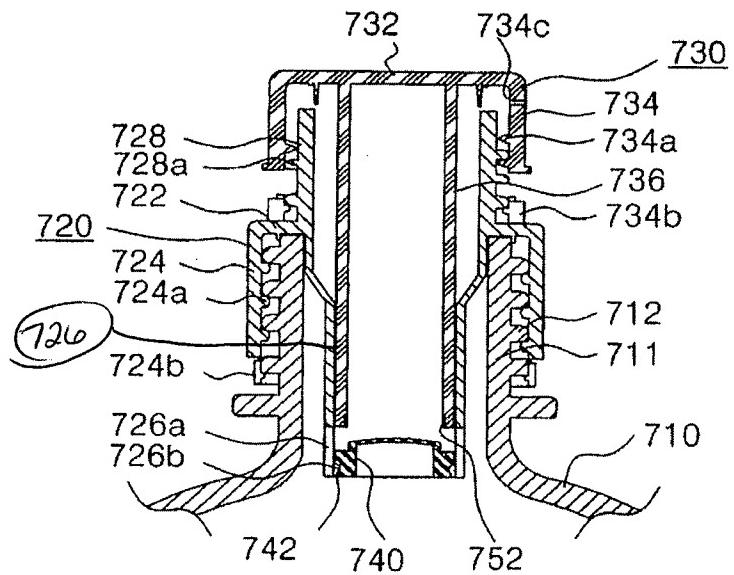
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FIG. 50B



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FIG. 53A



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FIG. 53B

